

ANIMAL WELFARE ACT OF 1970

DECEMBER 2, 1970.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. POAGE, from the Committee on Agriculture,
submitted the following

REPORT

[To accompany H.R. 19846]

The Committee on Agriculture, to whom was referred the bill (H.R. 19846) to amend the Act of August 24, 1966, relating to the care of certain animals used for purposes of research, experimentation, exhibition, or held for sale as pets, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The amendments are as follows:

Page 6, line 24, after the word "Act" insert the word "or";

Page 12, line 8, strike out the word "title" and insert in lieu thereof the word "Title"; and

Page 15, line 18, strike out the words "Laboratory Animal Welfare Act Amendments Act of 1970," and insert in lieu thereof the words "Animal Welfare Act of 1970."

GENERAL STATEMENT

This bill represents a continuing commitment by Congress to the ethic of kindness to dumb animals.

Beginning with the legislation passed in 1966 (Public Law 89-544), the United States Government has implemented a statutory mandate that small helpless creatures deserve the care and protection of a strong and enlightened public. This bill strengthens the administration of that Act, and it expands the perimeters of its protection to more animals and to more people who handle, exhibit, buy or sell, or transport them or who use them in the pursuit of medical and scientific knowledge.

It reflects the philosophy of caring for animals enunciated by W. D. Hoard in 1885 who said: "The stupid brutishness of men who are too ignorant of their own interests to be gentle and humane finds, at last, sharp punishment, for God, ever just to the least of his creatures, denies such men profit or prosperity and thereat all good men say, 'Amen!'"

H.R. 19846 is a bill which is the result of careful consideration by the Livestock and Grains Subcommittee and the full Committee on Agriculture. It is an effort to demonstrate America's humanity to lesser creatures while maintaining and promoting the national enlightenment in medicine for the care of all mankind. It is a bill which initially was controversial, but which, by virtue of good reason and good will and deliberation and discussion by many persons of divergent views, was able to command the unanimous approval of the Committee on Agriculture as well as the joint sponsorship of the entire membership of the Livestock and Grains Subcommittee.

PURPOSE OF THE LEGISLATION

The basic purposes of this bill are four-fold:

First, the bill expands the definition of the term "animal" to include more species. At present the Act applies only to live dogs, cats, rabbits, hamsters, guinea pigs, and monkeys (nonhuman primate mammals). This bill includes within its definition all warm-blooded animals designated by the Secretary with only limited and specifically defined exceptions.

Second, the bill regulates more people who handle animals. It will, for example, bring into the regulatory framework of the Act for the first time exhibitors (such as circuses, zoos, carnivals, and road shows) and wholesale pet dealers.

Third, the bill establishes by law the humane ethic that animals should be accorded the basic creature comforts of adequate housing, ample food and water, reasonable handling, decent sanitation, sufficient ventilation, shelter from extremes of weather and temperature, and adequate veterinary care including the appropriate use of pain-killing drugs. At the same time this ethic is embraced, the bill recognizes the responsibility and specifically preserves the necessary domain of the medical community. The bill in no manner authorizes the disruption or interference with scientific research or experimentation. Under this bill the research scientist still holds the key to the laboratory door. This committee and the Congress, however, expect that the work that's done behind that laboratory door will be done with compassion and with care.

Fourth, the bill strengthens the Secretary's enforcement powers under the Act by broadening the statutory concept of "commerce", by increasing the penalties against persons convicted of interfering with, assaulting, or killing government inspectors, and by broadening the discovery procedures for obtaining adequate information to sustain proper administration.

HEARINGS

Public hearings on H.R. 13957 by Mr. Whitehurst were held on June 8 and 9, 1970. The Subcommittee on Livestock and Grains held six executive sessions on H.R. 13957 and H.R. 18637 by Mr. Foley. As a result of these meetings and numerous discussions, the subcommittee unanimously approved the language of H.R. 19846 on November 19, 1970. The full committee ordered H.R. 19846 reported to the House by a unanimous vote in the presence of a quorum on November 24, 1970.

DEPARTMENTAL POSITION

The U.S. Department of Agriculture submitted the following report in regard to H.R. 13957, but the committee believes that the basic objections to the original bill have been satisfied:

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D.C., June 9, 1970.

Hon. W. R. POAGE,
*Chairman, Committee on Agriculture,
House of Representatives.*

DEAR MR. CHAIRMAN: This is in reply to your request for a report on H.R. 13957. The bill is entitled "To amend the Act of August 24, 1966, relating to the care of animals used for purposes of research, experimentation, exhibition or held for sale as pets."

The bill would amend Public Law 89-544, known as the Laboratory Animal Welfare Act, to extend the authority and responsibilities of this Department for regulating the transportation, purchase, sale, housing, care, handling, and treatment of any warm-blooded animal by persons or organizations engaged in using such animals (a) for research or experimental purposes, (b) for exhibition purposes, or (c) for holding them for sale as pets. The licensing and registration provisions of Public Law 89-544 would be extended to include any exhibitor which is defined under the bill as any person (public or private) exhibiting animals to the public free or for compensation, including but not limited to zoos and circuses. Also, the bill would extend the authority of the Department to require the prescribing of standards for the handling, care, or treatment of any warm-blooded animal during the actual research or experimentation by a research facility.

The bill would greatly expand program operations under Public Law 89-544 by (1) including all warm-blooded animals under the Act; (2) establishing requirements for conducting inspections throughout the research facility, which are restricted under the present law to the holding area, in order to determine compliance with standards that would be required for the handling, care, or treatment of animals during actual research or experimentation; (3) requiring the regulation of exhibitions which would include zoos, circuses, dog and cat shows, State and county fairs, horse shows and other exhibitions; and (4) by including certain provisions for regulating pet dealers.

During fiscal year 1970, we are enforcing the provisions of the Act with an appropriation of approximately \$337,000. This Department is doing everything possible to carry out its assigned responsibilities under Public Law 89-544 within the limitations of available resources.

This Department agrees with the objective of the bill concerning the need for the humane care and handling of laboratory animals during actual research and experimentation. However, we believe that the Department of Health, Education, and Welfare is the appropriate agency to administer such an activity. We would expect to work with that Department to help assure consistency of standards and make other necessary arrangements to promote the objectives of both Public Law 89-544 and H.R. 13957.

If Federal regulation of laboratory animals is extended to all warm-blooded animals, we suggest it would be appropriate and consistent to extend the species of animals presently regulated under Public Law 89-544, to include all warm-blooded animals. Also, we would suggest to the Committee that regulating the humane care and handling of animals by exhibitors and pet dealers should be the responsibility of State and local agencies rather than the Federal Government.

The Bureau of the Budget advises that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

J. PHIL CAMPBELL, *Under Secretary.*

COMMITTEE AMENDMENTS

The first two committee amendments correct typographical errors in the bill.

The third committee amendment corrects a clerical error in Section 25 of the Act, as amended, by changing an internal cross reference to this legislation from "Laboratory Animal Welfare Act Amendments Act of 1970" to "Animal Welfare Act of 1970".

COMMITTEE INTENT

In its consideration of H.R. 19846 the committee carefully considered both the language and the legal construction of that language in several sections of the bill. In reflection of that consideration the committee submits the following expressions of intent:

(1) In regard to the amendment to section 2(b) of the Act, the committee does not contemplate the designation of private citizens or non-Federal Government employees in the administration of this legislation.

(2) In regard to the amendment to section 13 of the Act, it is the intention of the committee that the Secretary neither directly nor indirectly in any manner interfere with or harass research facilities during the conduct of actual research and experimentation. The important determination of when an animal is in actual research is left to the research facility itself. Research or experimentation is also intended to include use of animals as "teaching aids in educational institutions".

(3) In regard to the amendment to section 17 of this Act, the committee intends that inspection under this section shall be specifically limited to searches for lost or stolen pets by officers of the law (not owners themselves) and that the term "legally constituted law enforcement agencies" means agencies with general law enforcement authority and not those agencies whose law enforcement duties are limited to enforcing local animal regulations. It is not intended that this section be used by private citizens or law enforcement officers to harass research facilities and in no event shall such officers inspect the animals when the animals are undergoing actual research or experimentation.

(4) In regard to the amendments to Section 20 of the Act, the committee reiterates its policy expressed in the conference report on P.L. 89-544 that in the case of research facilities the Secretary may grant individual extensions of time to certain of these facil-

ities if he is convinced that these facilities will be able to meet the requirements of the regulations within a reasonable length of time. The purpose of this authority is to enable those research institutions whose compliance depends on obtaining additional funds for construction or personnel to secure such funds.

In this connection the committee also urges that adequate funds from Federal sources be made available for those research facilities which depend to a large extent on support derived from both State and Federal sources for laboratory facility improvements.

COST

The current program is financed in part by license fees, which are deposited into the Treasury as "Miscellaneous Receipts," and in part by appropriations. In the current fiscal year (FY 1971) the Department estimates that license fee collections will be \$24,000 and appropriations will be \$352,600. (Fiscal year 1971 agriculture appropriation bill (H.R. 17923) was in conference between House and Senate at time of this report.) Additional inspections of research facilities and dealers are conducted, as far as possible, by existing trained field personnel. The added responsibilities imposed by this bill will increase the Department's program costs by an estimated \$1.2 million per year.

COMPARISON WITH EXISTING LAW

The following comparison shows the difference between existing law and the provisions of H.R. 19846:

COMPARISON OF ANIMAL WELFARE LEGISLATION

Provision and section of existing law	Existing law Public Law 89-544	Proposed by H.R. 19846—Animal Welfare Act of 1970
Popular name citation	Has no formal short title, but is popularly cited as "Laboratory Animal Welfare Act."	Sec. 1 of the bill contains the short title "Animal Welfare Act of 1970."
Sec. 1. Statement of policy	Sets forth objectives of the act to (1) protect owners of dogs and cats from theft of such animals; (2) regulate the transportation, purchase, sale, handling, housing, care, and treatment of dogs and cats, as well as monkeys (nonhuman primate mammals), guinea pigs, hamsters, and rabbits destined for use in research or experimentation; and (3) regulate the handling, care and treatment of dogs, cats, and certain other animals intended for research within holding areas prior to actual research or experimentation.	Sec. 2 of the bill restates the objectives of Public Law 89-544 and adds thereto (1) protection for owners of "animals," as defined, instead of only dogs and cats; (2) regulate "animals" intended for use for "exhibition purposes or for use as pets."
Sec. 2. Definition of terms	Defines eight (8) terms used in the act. These are as follows:	Defines eight (8) terms used in the bill by redefining, deleting or adding to definitions used in Public Law 89-544. These are as follows:
Sec. 2(a)	Defines "person" as any individual, partnership, firm, joint stock company, corporation, association, trust, estate or other legal entity.	No change.
Sec. 2(b)	Defines "Secretary" as the Secretary of Agriculture.	Sec. 3(1) of the bill amends the definition to read "Secretary of Agriculture of the United States or his representative who shall be an employee of the United States Department of Agriculture."
Sec. 2(c)	Defines "commerce" as between any State, territory, possession, or the District of Columbia, or the Commonwealth of Puerto Rico, and any place outside thereof; or between points within the same State, territory, or possession, or the District of Columbia, or the Commonwealth of Puerto Rico, but through any place outside thereof; or within any territory, possession, or the District of Columbia.	Sec. 3(2) extends definition to include "trade, traffic, commerce, transportation among the several States or between any State".

COMPARISON OF ANIMAL WELFARE LEGISLATION—Continued

Provision and section of existing law	Existing law - Public Law 89-544	Proposed by H.R. 19846—Animal Welfare Act of 1970
Sec. 2(d), (e), (f), (g), (h).	<p>Defines "dog" as any live dog (<i>Canis familiaris</i>);</p> <p>Defines "cat" as any live cat (<i>Felis catus</i>);</p> <p>Defines "research facility" as any school, institution, organization, or person that uses or intends to use dogs or cats in research, tests, or experiments, and that (1) purchases or transports dogs or cats in commerce, or (2) receives funds under a grant, award, loan, or contract from a department, agency, or instrumentality of the United States for purposes of conducting research, tests, or experiments.</p> <p>Defines "dealer" as any person who for compensation or profit delivers for transportation, or transports, except as a common carrier, buys, or sells dogs or cats in commerce for research purposes.</p> <p>Defines "animal" as live dogs, cats, monkeys (nonhuman primate mammals), guinea pigs, hamsters, and rabbits.</p>	<p>Sec. 3(3) of the bill deletes these definitions.</p> <p>Sec. 3(d) defines a new term "affecting commerce".</p> <p>Sec. 3(e) of the bill redesignates definition of "research facility" as sec. 2(e) of the act and extends meaning to include those using "animals" rather than only dogs or cats; and allows exemption of schools, hospitals, clinics which do not use live dogs or cats. But, schools, organizations, institutions or persons in biomedical research using a substantial number of live animals (as determined by USDA) would not be exempt.</p> <p>Sec. 3(f) of the bill redesignates definition of "dealer" as sec. 2(f) of the act and extends meaning to include live or dead animals rather than only dogs or cats; and adds teaching and exhibition purposes or for use as pets; and exempts retail pet stores unless such store sells animals to a research facility, an exhibitor, or a dealer.</p> <p>Sec. 3(g) of the bill redesignates definition of "animal" as sec. 2(g) of the act and expands the definition by adding to the species now covered under Public Law 89-544 the stipulation "live or dead" and includes such warm-blooded animals as may be determined by the Secretary. Specific exclusions are provided for horses not used for research and for other farm-type animals, including livestock or poultry, used or intended for use as food or fiber. Livestock or poultry used or intended for use for improving animal nutrition, breeding, management, or production efficiency or for improving the quality of food or fiber are also excluded.</p> <p>Sec. 3(h) of the bill adds a new term "exhibitor" as sec. 2(h) of the act. The term means any public or private person exhibiting any animals purchased in commerce, or the intended distribution of which affects commerce, or will affect commerce, to the public for compensation, as determined by the Secretary. It includes carnivals, circuses, and zoos exhibiting such animals for profit or not. It excludes retail pet stores, organizations sponsoring and all persons participating in State and county fairs, livestock shows, rodeos, purebred dog and cat shows, or any such exhibitions or fairs intended to advance agricultural arts and sciences.</p>

COMPARISON OF ANIMAL WELFARE LEGISLATION -Continued

Provision and section of existing law	Existing law - Public Law 89-544	Proposed by H.R. 19846 - Animal Welfare Act of 1970
Sec. 3—Licensing of dealers.	This section of the act sets forth the requirements and procedures for issuing licenses to dealers as required under the act.	Sec. 4 of the bill extends licensing requirements to "exhibitor," and includes a provision for exempting retail pet stores.
Sec. 4—Requirement for valid dealer license	Prohibits interstate movement of any dog or cat to a research facility from any dealer not holding a valid license.	Sec. 5 of the bill extends prohibitions under sec. 4 of the act to include exhibitors and extends coverage to include dealers or exhibitors engaging in transactions "affecting commerce" of animals, as defined, to a research facility or for exhibition or for use as a pet.
Sec. 5—Holding period for dogs or cats.	Requires dealers to hold dogs or cats for five (5) days after acquisition.	Sec. 6 of the bill extends requirement to exhibitor. Operators of auction sales subject to sec. 12 of the bill are exempted from this requirement.
Sec. 6—Registration of research facilities	Requires research facilities to be registered with USDA rather than licensed as dealers.	Sec. 7 of the bill extends the registration requirement to exhibitors not licensed as dealers under sec. 3 of Public Law 89-544.
Sec. 7—Prohibits research facilities from purchasing dogs or cats except from dealers or exempted persons.	Prohibits research facilities from purchasing dogs or cats from any source but a dealer with a valid license unless a license is not required under sec. 3 of the act.	Sec. 8 of the bill extends purchase prohibition to include exhibitors; and provides that a research facility can purchase dogs or cats from operators of auction sales.
Sec. 8—Prohibits U.S. Government facilities from acquiring dogs or cats except from dealers or exempted persons.	Prohibits U.S. facilities from purchasing or acquiring for research or experimentation any dog or cat from any source except a dealer with a valid license unless license is not required under sec. 3 of the act.	Sec. 9 of the bill extends prohibition to include for purposes of exhibition and includes an exhibitor and operators of auction sales as a source of supply.
Sec. 9—Establishes principal-agent relationship for dealers and research facilities	Sets forth the condition for the principal-agent relationship between a dealer and a research facility and their employees.	Sec. 10 of the bill adds exhibitor and an operator of an auction sale to the provisions of sec. 9 of the act, and substitutes the term "person", as defined under the act, for the term "individual".
Sec. 10—Recordkeeping by dealers and research facilities.	Requires dealers and research facilities to keep records on the purchase, sale, transportation, identification and previous ownership of dogs and cats on forms prescribed by USDA, and such records are to be available for inspection.	Sec. 11 of the bill extends recordkeeping requirements to include exhibitors and to include animals, as defined, rather than only dogs or cats; except research facilities would continue to keep required records only for live dogs and cats.
Sec. 11—Marking and identifying dogs and cats.	Requires all dogs and cats moved in commerce to be marked or identified in a humane manner in order to facilitate tracing lost or stolen pets.	Sec. 12 of the bill applies marking and identifying requirements to dealers and exhibitors for animals, as defined, instead of dogs and cats when movements are affecting commerce, as defined. Requirements for research facilities are only for live dogs and cats.
Sec. 12—Humane standards and recordkeeping for dogs and cats at auction sales.	Provides requirements for recordkeeping and humane standards for the purchase, sale, or handling (including treatment, housing and care) of dogs and cats by dealers and research facilities at auction sales.	Sec. 13 of the bill extends requirements to exhibitors and operators of auction sales and to apply to animals, as defined, instead of only dogs and cats when transactions at auction sales are affecting commerce. Also, requires operator of auction sales to obtain a license when he sells dogs or cats and transactions are affecting commerce, upon payment of fee prescribed by the Secretary.
Sec. 13—Humane standards for animals by dealers and research facilities.	Requires the establishment of standards to govern the humane handling, care, treatment and transportation of animals. Such standards include minimum requirements for the housing, feeding, watering, sanitation, ventilation, shelter from extremes of weather and temperature, separation by species and adequate veterinary care. The Act states that nothing is to be construed as authorizing standards for the handling, care or treatment of animals during actual research or experimentation by a research facility as determined by such a research facility.	Sec. 14 of the bill adds exhibitor. An additional minimum standard is included for "handling." The present standard for adequate veterinary care is expanded to include the appropriate use of anesthetic, analgesic or tranquilizing drugs by research facilities when the use of such drugs are considered proper in the opinion of the attending veterinarian at such research facilities. USDA will publish standards and guidelines for use by the attending veterinarian in making the determination. The standard for "separation by species" is predicated on a finding of need for humane handling, care or treatment of animals. The stipulation is continued as not authorizing standards during actual research or experimentation. At least annually, a report is required by every research facility to show that professionally acceptable standards governing the care, treatment, and use of animals including use of drugs, are being followed by the research facility.

COMPARISON OF ANIMAL WELFARE LEGISLATION—Continued

Provision and section of existing law	Existing law Public Law 89 544	Proposed by H.R. 19846—Animal Welfare Act of 1970
Sec. 14 Humane standards for animals by U.S. Government facilities.	Requires Federal departments, agencies, or instrumentalities having laboratory facilities to meet the same standards for the humane handling, care and treatment of animals as required by research facilities under sec. 13 of the act.	Sec. 15 of the bill extends standard requirements for Federal agencies to include the exhibiting of animals.
Sec. 15 Consultation and cooperation by USDA with Federal, State, and local governmental agencies.	Sec. 15(a) directs USDA to consult with other Federal agencies concerned with the welfare of animals used for research or experimentation when establishing standards under sec. 13 of the act. Sec. 15(b) authorizes cooperation with State or local agencies in effectuating the purposes of the act.	Sec. 15(1) of the bill extends requirement to include animals used for exhibiting.
Sec. 16 Investigations or inspections by USDA.	Directs the conduct of investigations or inspections as necessary to effectuate the purposes of the act and insure compliance with issued rules and regulations. Provisions are made for confiscating or destroying any animal found to be suffering as a result of a failure to comply with any provision of the act by a dealer or a research facility.	Sec. 16(2) of the bill deletes the term "effectuating" and inserts "carrying out". Sec. 17 of the bill amends sec. 16 of the act as follows: (1) The present provisions of sec. 16 are redesignated as sec. 16(a) and expanded to include exhibitors and operators of auction sales for purposes of investigation. Also, records, facilities, and animals must be accessible to inspectors at all reasonable times at premises of dealers, research facilities, exhibitors and operators of auction sales. (2) A new sec. 16(b) is added to provide penalties against any person for forcible assaults or other offenses upon an inspector in the performance of his official duties. (3) A new sec. 16(c) is added to provide additional enforcement powers including the issuance of a subpoena.
Sec. 17 Inspection by legally constituted law enforcement officers.	Authorizes issuance of rules and regulations requiring licensed dealers and research facilities to permit inspection of animals and records by legally constituted law enforcement agencies in search of lost animals.	Sec. 18 of the bill adds exhibitors and operators of auction sales.
Sec. 18 Exemption applicable to animals during actual research or experimentation.	States that nothing in the Act shall be construed as authorizing USDA to issue rules, regulations or orders for the handling, care, treatment or inspection of animals during actual research or experimentation.	Sec. 19 of the bill repeals sec. 18 of the act. A provision is made under sec. 13 of the bill for exempting animals during actual research or experimentation.
Sec. 19 Dealer penalties and enforcement.	Provides for dealer violations, for suspension of dealer license for temporary periods, revocation, and issuance of cease and desist orders; penalties for conviction of violation; and procedures for judicial review.	Sec. 20 of the bill adds exhibitors and operators of auction sales; civil penalties for violating cease and desist order as presently provided under sec. 20 of the act for a research facility, and amends procedure for judicial review.
Sec. 20 Research facility facilities penalties and enforcement.	Provides for research facility violations, provides for cease and desist order and civil penalty for violation of such order, and procedure for judicial review.	Sec. 21 of the bill expands violations to include those against standards under the act as well as rules and regulations. Amends procedure for judicial review.
Sec. 21 Regulations	Authorizes USDA to promulgate rules and regulations necessary to effectuate purposes of the act.	No change.
Sec. 22 Constitutional invalidity clause.	Provides that if any clause is found to be invalid the remainder of the act is to continue to be effective.	Do.
Sec. 23 Fees and appropriations.	Authorizes charging and collection of reasonable fees for issuing licenses which are deposited into miscellaneous receipts of Treasury. Authorizes appropriation of funds as Congress may from time to time provide.	Do.
Sec. 24 Effective date	Provides effective date for issuing standards and for compliance by dealers and research facilities	Do.
		Sec. 22 of the bill requires a report to the Congress by not later than March of each year. The section provides that the report is not to be made public by USDA unless and until the report is made public by the appropriate congressional committee. Sec. 23 of the bill establishes effective date for various sections of the bill.

SECTION-BY-SECTION ANALYSIS OF THE PROVISIONS OF PROPOSED
ANIMAL WELFARE ACT OF 1970

There follows a section-by-section analysis of the provisions of the proposed Animal Welfare Act of 1970.

The first section of H.R. 19846 cites this legislation as the "Animal Welfare Act of 1970". The Act of August 24, 1966 (Public Law 89-544) has been popularly known in the past as the "Laboratory Animal Welfare Act". By changing the popular citation, this provision recognizes the broadened scope of the program and its application to animals other than those undergoing research or experimentation.

Section 2.—This section would amend the first section of the Act of August 24, 1966 (P.L. 89-544), so as to extend the objectives of such Act to include animals, as defined under the bill, intended for exhibition purposes or for use as pets.

Section 3.—This section of the bill would amend the Act of August 24, 1966 by redefining, deleting, or adding to the definitions of terms used under such Act as follows:

(1) Section 2(b) of the Act would be amended to redefine the term "Secretary" to read "The Secretary of Agriculture of the United States or his representative who shall be an employee of the United States Department of Agriculture;"

(2) Section 2(c) of the Act would be amended to expand the definition of the term "commerce" to include "trade, traffic, commerce, transportation among the several States, or between any State,"

(3) Sections 2 (d), (e), (f), (g) and (h) of the Act would be deleted.

(4) A new section 2(d) would be added to the Act which defines the term "affecting commerce" to read "in commerce or burdening or obstructing or substantially affecting commerce or the free flow of commerce, or having led or tending to lead to the inhumane care of animals used or intended for use for purposes of research, experimentation, exhibition, or held for sale as pets, by burdening or obstructing or substantially affecting commerce or the free flow of commerce;"

This definition is intended to broaden the authority under the Act to regulate persons who supply animals which are intended for use in research facilities, for exhibition, or as pets.

(5) A new section 2(e) would be added to the Act redefining the term "research facility" to include those using any live animals, as defined under the bill, and eliminating the existing requirement under the Act that only research facilities using dogs and cats must register and thereby comply with the Act as it applies to other species. Further, the Secretary may exempt schools, hospitals, or clinics, or any other person that does not use or intend to use live dogs or cats. Such institutions or persons using substantial numbers (as determined by the Secretary) of live animals in biomedical research or testing may not be exempted.

(6) A new section 2(f) would be added to the Act which would expand the term "dealer" to include persons distributing animals intended for use for research or teaching purposes or for exhibition purposes or for use as pets. It includes those persons who acquire live animals, prepare them as biological specimens and sell them for use

in schools, colleges, etc., as teaching aids. The term excludes any retail pet store except such store which sells any animals to a research facility, an exhibitor, or a dealer.

(7) A new section 2(g) would be added to the Act which would define the term "animal" to include any live or dead dog or cat, monkey (nonhuman primate mammal), guinea pig, hamster, rabbit or such other warm-blooded animals as the Secretary may determine is being used, or is intended for use, for research, testing, experimentation, or exhibition purposes, or as a pet. Such term excludes horses not used for research purposes and other farm animals, such as, but not limited to, livestock or poultry, used or intended for use as food or fiber, or livestock or poultry used or intended for use for improving animal nutrition, breeding, management, or production efficiency, or for improving the quality of food or fiber. Under this section of the bill, it would be expected that the Secretary would designate additional species of those animals not previously covered as permitted by available funds and manpower.

(8) A new section 2(h) would be added to the Act defining the term "exhibitor" which would extend the requirements of the Act to persons who acquire animals for purposes of exhibition. The term excludes retail pet stores, and organizations sponsoring and all persons participating in State and county fairs, livestock shows, rodeos, purebred dog and cat shows, and any other fairs or exhibitions intended to advance agricultural arts and sciences, as may be determined by the Secretary.

The term specifically includes carnivals, circuses and zoos exhibiting animals, whether operated for profit or not.

Section 4.—This section of the bill would extend the licensing requirements of the Act to require an exhibitor to be licensed. As a condition of the license issuance, an exhibitor must demonstrate that the physical facilities for the housing, care, and handling of animals are in compliance with the standards issued under Section 13 of the Act. Retail pet stores or other persons who derive less than a substantial amount of their income (as determined by the Secretary) from the breeding and raising of dogs and cats on their own premises and who sell such animals to a dealer or research facility are not required to obtain a license. Wholesale pet dealers or distributors are not exempt under this section.

Section 5.—This section would require all persons operating as exhibitors or dealers to have licenses from the Secretary, which licenses have not been suspended or revoked.

Section 6.—This section would require an exhibitor to comply with the 5-day holding period presently required only of dealers. Operators of auction sales subject to Section 12 of the Act would not be required to comply with the provisions of this section.

Section 7.—This section would require the registration of exhibitors not licensed under Section 3 of the Act, as well as research facilities.

Section 8.—This section would permit research facilities to purchase dogs and cats from licensed exhibitors and operators of auction sales subject to Section 12 of the Act, as well as from licensed dealers.

Section 9.—This section would extend the provisions of the Act so as to require any department, agency, or instrumentality of the United

States to purchase or otherwise acquire animals for research, experimentation or exhibition only from an operator of an auction sale subject to Section 12 of the Act or from an exhibitor or dealer licensed under the Act, unless such exhibitor or dealer is exempt from the licensing requirements.

Section 10.—This section of the bill would amend the Act so as to make the act, omission, or failure of *any person* acting for or employed by a research facility, a dealer, or an exhibitor or a person licensed under Section 3 of the Act, or an operator of an auction sale subject to Section 12 of the Act, the act, omission, or failure of such research facility, dealer, exhibitor, licensee or operator of an auction sale, as well as such person. The current provisions of the Act only cover the acts, omissions, or failures of *individuals* and do not apply to exhibitors.

Section 11.—This section of the bill would extend the recordkeeping requirements of the Act to exhibitors, and require all dealers and exhibitors to make and retain specified records relating to all animals, as defined under the bill, rather than dogs or cats as presently required under the Act for research facilities and dealers. Research facilities would be required to make and keep records relating only to live dogs and cats. All such records would be required to be made available at all reasonable times for inspection and copying by the Secretary.

Section 12.—This section of the bill would extend the marking and identification requirements of the Act to exhibitors and research facilities, as well as dealers, and would include animals, as defined under the bill, rather than only dogs and cats as presently required under Section 11 of the Act. However, only live dogs and cats would be required to be so marked or identified by a research facility.

Section 13.—This section would also authorize the Secretary to license the operators of auction sales, where any dogs or cats are sold and such sales are affecting commerce. In addition, the section would extend the recordkeeping and standards of humane handling under the Act to the purchase, handling, and sale of animals, as defined in the bill, rather than only dogs or cats, at auction sales by dealers, research facilities, exhibitors and by the operators of the auction sales.

Section 14.—This section of the bill would extend the provisions of the Act to include exhibitors, in addition to dealers and research facilities, as being required to meet standards for the humane handling, care, treatment and transportation of animals. The requirements for establishing such humane standards would be expanded to include "handling" as an additional minimum standard. The present requirement in the Act with regard to the standards for "adequate veterinary care" would be expanded to include the appropriate use of anesthetic, analgesic, or tranquilizing drugs, when the use of such drugs is considered proper in the opinion of the attending veterinarian of such research facilities. The Department will publish standards and guidelines for use by the attending veterinarian in his determination as to the proper use of these drugs during actual research or experimentation.

This section of the bill specifically provides that nothing in the Act shall be construed as authorizing the Secretary to promulgate rules, regulations, or orders with regard to design, outlines, guidelines, or

performance of actual research or experimentation by a research facility as determined by such research facility.

The section further provides that the Secretary shall require an annual report from every research facility in which they must show that professionally acceptable standards governing the care, treatment, and use of animals during experimentation are being followed by the research facility during actual research or experimentation.

Section 15.—This section would amend the Act to require any department, agency, or instrumentality of the United States exhibiting animals to comply with the standards promulgated by the Secretary under Section 13 of the Act.

Section 16.—This section would amend Section 15 of the Act to require the Secretary to consult and cooperate with Federal departments, agencies, or instrumentalities concerned with the welfare of animals used for exhibition, as well as for research or experimentation as now provided for in the Act, when promulgating standards under Section 13.

Section 17.—This section would amend section 16 of the Act to extend the Secretary's current authority to make investigations and inspections of operations of dealers and research facilities to exhibitors and operators of auction sales. Such inspections and investigations are required to be made to determine whether any such person has violated or is violating any provision of the Act or any regulation or standard issued under the Act. For such purposes, Section 16 would be amended to give the Secretary access, at all reasonable times, to the places of business and the facilities, animals, and records required to be kept by any such dealer, exhibitor, research facility, or operator of an auction sale.

The Secretary would also be required to promulgate rules and regulations to enable inspectors to confiscate or destroy any animal found suffering as a result of failure to comply with any provisions of the Act, rule, or regulation, or standard issued under the Act, if such animal is held by a dealer, exhibitor, or operator of an auction sale, or a research facility and the animal is no longer needed by the research facility to carry out the research, experiment, or test for which such animal has been utilized.

This section would also add new subsections (b) and (c) to Section 16. Subsection (b) would prohibit forcible assaults upon or other offenses against any person engaged in or because of the performance of his official duties under the Act. Subsection (c) would incorporate, by reference, provisions (including penalties) of the Federal Trade Commission Act and Title II of the Organized Crime Control Act of 1970 authorizing requirements of reports, authorizing administrative subpoenas, conferring other investigative and hearing powers, providing for writs of mandamus, and providing for criminal or civil penalties for failure to obey a subpoena or willful false entries in records or reports and other similar offenses, and providing for immunity for witnesses under certain circumstances. Subsection (c) would also give specified courts jurisdiction specifically to enforce, and to prevent and restrain violations of the Act, and jurisdiction in certain other kinds of cases arising under the Act.

Section 18.—This section of the bill would add exhibitors and operators of auction sales to the requirements of Section 17 of the Act

concerning the inspection of animals and records at reasonable hours by legally constituted law enforcement agencies.

Section 19.—This section repeals Section 18 of the Act.

Section 20.—This section of the bill would extend the cease and desist and suspension and revocation provisions of Section 19 of the Act to exhibitors and operators of auction sales, as well as dealers, for violations of the provisions of the Act or any of the rules, regulations, or standards promulgated under the Act by the Secretary. Also, this section would provide civil penalties for any dealer, exhibitor, or operator of an auction sale who knowingly fails to obey a cease and desist order made by the Secretary under Section 19. Such penalties are now provided for with respect to cease and desist orders issued against any research facility under Section 20 of the Act.

Subsection (b) of Section 20 would amend Section 19(b) of the Act to provide an opportunity for an appeal of any final order issued by the Secretary under Section 19 of the Act to a United States court of appeals upon the basis of the record upon which the Secretary acted, in accordance with the provisions of Sections 701-706 of Title 5, United States Code.

Subsection (c) of this section would make exhibitors and operators of auction sales subject to the penalty provisions of Section 19(c) of the Act.

Section 21.—This section would clarify the authority of the Secretary to issue orders requiring research facilities to cease and desist from violating provisions of the standards under the Act, as well as any provisions of the Act or the rules and regulations issued thereunder. Also, this section would provide an opportunity for an appeal of such an order to a United States Court of Appeals as in the cases of orders which would be issued under Section 19 of the Act.

Section 22.—This section would add a new Section 25 to the Act to require the Secretary to submit a report to the President of the Senate and to the Speaker of the House by not later than March of each year, which will include:

- (1) Identification of all research facilities, exhibitors, and other licensees under the Act.

- (2) The nature and place of all investigations and inspections conducted under Section 16 of this Act and all reports received by the Secretary under Section 13 of this Act.

- (3) Recommendations for legislation to improve the administration of this Act or any provisions thereof.

It is not anticipated that this report will be used to harass dealers, research facilities, exhibitors or operators of auction sales subject to Section 12 of this Act. Furthermore, the report as well as any supporting documents, data, or findings shall not be released to any member of the public unless and until the report is made public by an appropriate Congressional Committee.

Section 23.—This section provides for the effective dates of enactment of the several sections of the bill.

Sections 16, 17, 19, and 20 would be effective thirty (30) days after enactment of this bill. These provide for strengthening the enforcement measures under the Act of August 24, 1966. It is considered necessary for these sections to be effective at an earlier date because they provide vital and important tools with regard to civil penalties for

violations, protection of inspectors against assaults, provision for subpoena powers, and additional inspection authorities which are needed for the effective enforcement of the Act.

Other sections of the bill would be effective one year from date of enactment to provide for the orderly implementation of the additional workload authorized. This will permit sufficient time for the necessary consultations and collection of expert data necessary to the development of the additional standards, rules and regulations required to be issued under the bill.

PART III—PROPOSED CHANGES IN EXISTING LAW

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, and existing law in which no change is proposed is shown in roman) :

THE ACT OF AUGUST 24, 1966 (PUBLIC LAW 89-544)

* * * * *

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, [That, in order to protect the owners of dogs and cats from theft of such pets, to prevent the sale or use of dogs and cats which have been stolen, and to insure that certain animals intended for use in research facilities are provided humane care and treatment, it is essential to regulate the transportation, purchase, sale, housing, care, handling, and treatment of such animals by persons or organizations engaged in using them for research or experimental purposes or in transporting, buying, or selling them for such use.] That, in order to protect the owners of animals from the theft of their animals, to prevent the sale or use of animals which have been stolen, and to insure that certain animals intended for use in research facilities or for exhibition purposes or for use as pets are provided humane care and treatment, it is essential to regulate the transportation, purchase, sale, housing, care, handling, and treatment of such animals by persons or organizations engaged in using them for research or experimental purposes or for exhibition purposes or holding them for sale as pets or in transporting, buying, or selling them for any such purpose or use.

SEC. 2. When used in this Act—

(a) The term "person" includes any individual, partnership, firm, joint stock company, corporation, association, trust, estate, or other legal entity:

(b) The term "Secretary" means the Secretary of Agriculture [:] of the United States or his representative who shall be an employee of the United States Department of Agriculture;

(c) The term "commerce" means [commerce between any State,] trade, traffic, commerce, transportation among the several States, or between any State, territory, possession, or the District of Columbia, or the Commonwealth of Puerto Rico, and any place outside thereof; or between points within the same State, territory, or possession, or the District of Columbia, or the Commonwealth of Puerto Rico, but

through any place outside thereof; or within any territory, possession, or the District of Columbia:

[(d) The term "dog" means any live dog (*Canis familiaris*):]

[(e) The term "cat" means any live cat (*Felis catus*):]

[(f) The term "research facility" means any school, institution, organization, or person that uses or intends to use dogs or cats in research, tests, or experiments, and that (1) purchases or transports dogs or cats in commerce, or (2) receives funds under a grant, award, loan, or contract from a department, agency, or instrumentality of the United States for the purpose of carrying out research, tests, or experiments:]

[(g) The term "dealer" means any person who for compensation or profit delivers for transportation, or transports, except as a common carrier, buys, or sells dogs or cats in commerce for research purposes:]

[(h) The term "animal" means live dogs, cats, monkeys (nonhuman primate mammals), guinea pigs, hamsters, and rabbits.]

(d) the term "affecting commerce" means in commerce, or burdening or obstructing or substantially affecting commerce or the free flow of commerce, or having led or tending to lead to the inhumane care of animals used or intended for use for purposes of research, experimentation, exhibition, or held for sale as pets, by burdening or obstructing or substantially affecting commerce or the free flow of commerce:

(e) The term "research facility" means any school (except an elementary or secondary school), institution, organization, or person that uses or intends to use live animals in research, tests, or experiments, and that (1) purchases or transports live animals affecting commerce, or (2) receives funds under a grant, award, loan, or contract from a department, agency, or instrumentality of the United States for the purpose of carrying out research, tests, or experiments: Provided, That the Secretary may exempt, by regulation, any such school, institution, organization, or person that does not use or intend to use live dogs or cats, except those schools, institutions, organizations, or persons, which use substantial numbers (as determined by the Secretary) of live animals the principal function of which schools, institutions, organizations, or persons, is biomedical research or testing, when in the judgment of the Secretary, any such exemption does not vitiate the purpose of this Act:

(f) The term "dealer" means any person who for compensation or profit delivers for transportation, or transports, except as a common carrier, buys, or sells any animals whether alive or dead, affecting commerce, for research or teaching purposes or for exhibition purposes or for use as pets, but such term excludes any retail pet store except such store which sells any animals to a research facility, an exhibitor, or a dealer;

(g) The term "animal" means any live or dead dog, cat, monkey (nonhuman primate mammal), guinea pig, hamster, rabbit, or such other warm-blooded animal, as the Secretary may determine is being used, or is intended for use, for research, testing, experimentation, or exhibition purposes or as a pet; but such term excludes horses not used for research purposes and other farm animals, such as, but not limited to livestock or poultry, used or intended for use as food or fiber, or livestock or poultry used or intended for use for

improving animal nutrition, breeding, management or production efficiency, or for improving the quality of food or fiber; and

(h) The term "exhibitor" means any person (public or private) exhibiting any animals, which were purchased in commerce or the intended distribution of which affects commerce, or will affect commerce, to the public for compensation, as determined by the Secretary, and such term includes carnivals, circuses, and zoos exhibiting such animals whether operated for profit or not; but such term excludes retail pet stores, organizations sponsoring and all persons participating in State and country fairs, livestock shows, rodeos, purebred dog and cat shows, and any other fairs or exhibitions intended to advance agricultural arts and sciences, as may be determined by the Secretary.

SEC. 3. The Secretary shall issue licenses to dealers and exhibitors upon application therefor in such form and manner as he may prescribe and upon payment of such fee established pursuant to section 23 of this Act: *Provided*, That no such license shall be issued until the dealer or exhibitor shall have demonstrated that his facilities comply with the standards promulgated by the Secretary pursuant to section 13 of this Act: *Provided, however*, That any retail pet store or other person who derives less than a substantial portion of his income (as determined by the Secretary) from the breeding and raising of dogs or cats on his own premises and sells any such dog or cat to a dealer or research facility shall not be required to obtain a license as a dealer or exhibitor under this Act. The Secretary is further authorized to license, as dealers or exhibitors persons who do not qualify as dealers or exhibitors within the meaning of this Act upon such persons' complying with the requirements specified above and agreeing, in writing, to comply with all the requirements of this Act and the regulations promulgated by the Secretary hereunder.

[SEC. 4. No dealer shall sell or offer to sell or transport or offer for transportation to any research facility any dog or cat, or buy, sell, offer to buy or sell, transport or offer for transportation in commerce to or from another dealer under this Act any dog or cat, unless and until such dealer shall have obtained a license from the Secretary and such license shall not have been suspended or revoked.]

Sec. 4. No dealer or exhibitor shall sell or offer to sell or transport or offer for transportation, affecting commerce, to any research facility or for exhibition or for use as a pet any animal, or buy, sell, offer to buy or sell, transport or offer for transportation, affecting commerce, to or from another dealer or exhibitor under this Act any animal, unless and until such dealer or exhibitor shall have obtained a license from the Secretary and such license shall not have been suspended or revoked.

SEC. 5. No dealer or exhibitor shall sell or otherwise dispose of any dog or cat within a period of five business days after the acquisition of such animal or within such other period as may be specified by the Secretary[.]: *Provided*, That operators of auction sales subject to section 12 of this Act shall not be required to comply with the provisions of this section."

SEC. 6. Every research facility and every exhibitor not licensed under section 3 of this Act shall register with the Secretary in accordance with such rules and regulations as he may prescribe.

SEC. 7. It shall be unlawful for any research facility to purchase any dog or cat from any person except *an operator of an auction sale subject to Section 12 of this Act* or a person holding a valid license as a dealer or exhibitor issued by the Secretary pursuant to this Act unless such person is exempted from obtaining such license under section 3 of this Act.

SEC. 8. No department, agency, or instrumentality of the United States which uses animals for research or experimentation or *exhibition* shall purchase or otherwise acquire any dog or cat for such purposes from any person except *an operator of an auction sale subject to Section 12 of this Act* or a person holding a valid license as a dealer or exhibitor issued by the Secretary pursuant to this Act unless such person is exempted from obtaining such license under section 3 of this Act.

[SEC. 9. When construing or enforcing the provisions of this Act, the act, omission, or failure of any individual acting for or employed by a research facility or a dealer, or a person licensed as a dealer pursuant to the second sentence of section 3, within the scope of his employment or office, shall be deemed the act, omission, or failure of such research facility, dealer, or other person as well as of such individual.]

Sec. 9. When construing or enforcing the provisions of this Act, the act, omission, or failure of any person acting for or employed by a research facility, a dealer, or an exhibitor or a person licensed as a dealer or an exhibitor pursuant to the second sentence of section 3, or an operator of an auction sale subject to Section 12 of this Act, within the scope of his employment or office, shall be deemed the act, omission, or failure of such research facility, dealer, exhibitor, licensee, or an operator of an auction sale as well as of such person.

[SEC. 10. Research facilities and dealers shall make, and retain for such reasonable period of time as the Secretary may prescribe, such records with respect to the purchase, sale, transportation, identification, and previous ownership of dogs and cats but not monkeys, guinea pigs, hamsters, or rabbits as the Secretary may prescribe, upon forms supplied by the Secretary. Such records shall be made available at all reasonable times for inspection by the Secretary, by any Federal officer or employee designated by the Secretary.]

Sec. 10. Dealers and exhibitors shall make, and retain for such reasonable period of time as the Secretary may prescribe, such records with respect to the purchase, sale, transportation, identification, and previous ownership of animals as the Secretary may prescribe, upon forms supplied by the Secretary. Research facilities shall make and retain such records only with respect to the purchase, sale, transportation, identification, and previous ownership of live dogs and cats. Such records shall be made available at all reasonable times for inspection and copying by the Secretary.

SEC. 11. All **[dogs and cats]** animals delivered for transportation, transported, purchased, or sold **[in commerce by any dealer]**, affecting commerce, by a dealer or exhibitor shall be marked or identified at such time and in such humane manner as the Secretary may prescribe**[.]**; *Provided, That only live dogs and cats need be so marked or identified by a research facility.*

[SEC. 12. The Secretary is authorized to promulgate humane standards and recordkeeping requirements governing the purchase, handling, or sale of dogs or cats by dealers or research facilities at auction sales.]

SEC. 12. The Secretary is authorized to promulgate humane standards and recordkeeping requirements governing the purchase, handling, or sale of animals, affecting commerce, by dealers, research facilities, and exhibitors at auction sales and by the operators of such auction sales. The Secretary is also authorized to require the licensing of operators of auction sales where any dogs or cats are sold, affecting commerce, under such conditions as he may prescribe, and upon payment of such fee as prescribed by the Secretary under section 23 of this Act.

[SEC. 13. The Secretary shall establish and promulgate standards to govern the humane handling, care, treatment, and transportation of animals by dealers and research facilities. Such standards shall include minimum requirements with respect to the housing, feeding, watering, sanitation, ventilation, shelter from extremes of weather and temperature, separation by species, and adequate veterinary care. The foregoing shall not be construed as authorizing the Secretary to prescribe standards for the handling, care, or treatment of animals during actual research or experimentation by a research facility as determined by such research facility.]

SEC. 13. The Secretary shall promulgate standards to govern the humane handling, care, treatment and transportation of animals by dealers, research facilities, and exhibitors. Such standards shall include minimum requirements with respect to handling, housing, feeding, watering, sanitation, ventilation, shelter from extremes of weather and temperatures, adequate veterinary care, including the appropriate use of anesthetic, analgesic or tranquilizing drugs, when such use would be proper in the opinion of the attending veterinarian of such research facilities, and separation by species when the Secretary finds such separation necessary for the humane handling, care, or treatment of animals. In promulgating and enforcing standards established pursuant to this section, the Secretary is authorized and directed to consult experts, including outside consultants where indicated. Nothing in this Act shall be construed as authorizing the Secretary to promulgate rules, regulations, or orders with regard to design, outlines, guidelines or performance of actual research or experimentation by a research facility as determined by such research facility: Provided, That the Secretary shall require, at least annually, every research facility to show that professionally acceptable standards governing the care, treatment, and use of animals, including appropriate use of anesthetic, analgesic, and tranquilizing drugs, during experimentation are being followed by the research facility during actual research or experimentation.

SEC. 14. Any department, agency, or instrumentality of the United States having laboratory animal facilities shall comply with the standards promulgated by the Secretary for a research facility under section 13. Any department, agency, or instrumentality of the United States exhibiting animals shall comply with the standards promulgated by the Secretary under section 13.

SEC 15. (a) The Secretary shall consult and cooperate with other Federal departments, agencies, or instrumentalities concerned with the welfare of animals used for research [or experimentation], *experimentation or exhibition* when establishing standards pursuant to section 13 and in carrying out the purposes of this Act.

(b) The Secretary is authorized to cooperate with the officials of the various States or political subdivisions thereof in [effectuating] *carrying out* the purposes of this Act and of any State, local, or municipal legislation or ordinance on the same subject.

[SEC. 16. The Secretary shall make such investigations or inspections as he deems necessary to determine whether any dealer or research facility has violated or is violating any provision of this Act or any regulation issued thereunder. The Secretary shall promulgate such rules and regulations as he deems necessary to permit inspectors to confiscate or destroy in a humane manner any animals found to be suffering as a result of a failure to comply with any provision of this Act or any regulation issued thereunder if (1) such animals are held by a dealer, or (2) such animals are held by a research facility and are no longer required by such research facility to carry out the research, test, or experiment for which such animals have been utilized.]

SEC. 16. (a) *The Secretary shall make such investigations or inspections as he deems necessary to determine whether any dealer, exhibitor, research facility, or operator of an auction sale subject to section 12 of this Act, has violated or is violating any provision of this Act or any regulation or standard issued thereunder, and for such purposes, the Secretary shall, at all reasonable times, have access to the places of business and the facilities, animals, and those records required to be kept pursuant to Section 10 of any such dealer, exhibitor, research facility, or operator of an auction sale. The Secretary shall promulgate such rules and regulations as he deems necessary to permit inspectors to confiscate or destroy in a humane manner any animal found to be suffering as a result of a failure to comply with any provision of this Act or any regulation or standard issued thereunder if (1) such animal is held by a dealer, (2) such animal is held by an exhibitor, (3) such animal is held by a research facility and is no longer required by such research facility to carry out the research, test, or experiment for which such animal has been utilized, or (4) such animal is held by an operator of an auction sale.*

(b) *Any person who forcibly assaults, resists, opposes, impedes, intimidates, or interferes with any person while engaged in or on account of the performance of his official duties under this Act shall be fined not more than \$5,000, or imprisoned not more than three years, or both. Whoever, in the commission of such acts, uses a deadly or dangerous weapon shall be fined not more than \$10,000, or imprisoned not more than ten years, or both. Whoever kills any person while engaged in or on account of the performance of his official duties under this Act shall be punished as provided under sections 1111 and 1114 of title 18, United States Code.*

(c) *For the efficient administration and enforcement of this Act, the provisions (including penalties) of sections 6, 8, 9, and 10 of the Act entitled "An Act to create a Federal Trade Commission, to define its powers and duties, and for other purposes," approved September 26,*

1914 (38 Stat. 721-723, as amended; 15 U.S.C. 46, 48, 49, and 50) (except paragraphs (c) through (h) of section 6 and the last paragraph of section 9), and the provisions of Title II of the "Organized Crime Control Act of 1970," (62 Stat. 856; 18 U.S.C. 6001 et seq.), are made applicable to the jurisdiction, powers, and duties of the Secretary in administering and enforcing the provisions of this Act and to any person, firm or corporation with respect to whom such authority is exercised. The Secretary may prosecute any inquiry necessary to his duties under this Act in any part of the United States, including any territory, or possession thereof, the District of Columbia, or the Commonwealth of Puerto Rico. The powers conferred by said sections 9 and 10 of the Act of September 26, 1914, as amended, on the district courts of the United States may be exercised for the purposes of this Act by any district court of the United States. The United States district courts, the District Court of Guam, the District Court of the Virgin Islands, the highest court of American Samoa, and the United States courts of the other territories, are vested with jurisdiction specifically to enforce, and to prevent and restrain violations of this Act, and shall have jurisdiction in all other kinds of cases arising under this Act, except as provided in sections 19(b) and 20(b) of this Act.

SEC. 17. The Secretary shall **[issue rules and regulations requiring licensed dealers and research facilities]** *promulgate rules and regulations requiring dealers, exhibitors, research facilities and operators of auction sales subject to section 12 of this Act to permit inspection of their animals and records at reasonable hours upon request by legally constituted law enforcement agencies in search of lost animals.*

SEC. 18. **[Nothing in this Act shall be construed as authorizing the Secretary to promulgate rules, regulations, or orders for the handling, care, treatment, or inspection of animals during actual research or experimentation by a research facility as determined by such research facility.]**

[SEC. 19. (a) If the Secretary has reason to believe that any person licensed as a dealer has violated or is violating any provision of this Act or any of the rules or regulations promulgated by the Secretary hereunder, the Secretary may suspend such person's license temporarily, but not to exceed twenty-one days, and, after notice and opportunity for hearing, may suspend for such additional period as he may specify or revoke such license, if such violation is determined to have occurred and may make an order that such person shall cease and desist from continuing such violation.]

[(b) Any dealer aggrieved by a final order of the Secretary issued pursuant to subsection (a) of this section may, within sixty days after entry of such an order, seek review of such order in the manner provided in section 10 of the Administrative Procedure Act (5 U.S.C. 1009).]

[(c) Any dealer who violates any provision of this Act shall, on conviction thereof, be subject to imprisonment for not more than one year or a fine of not more than \$1,000, or both.]

SEC. 19. (a) If the Secretary has reason to believe that any dealer, exhibitor, or operator of an auction sale subject to section 12 of this Act has violated or is violating any provisions of this Act, or any

of the rules or regulations or standards promulgated by the Secretary hereunder, he may make an order that such person shall cease and desist from continuing such violation, and if such person is licensed under this Act, the Secretary may also suspend such person's license temporarily, but not to exceed twenty-one days, and after notice and opportunity for hearing, may suspend for such additional period as he may specify, or revoke such license, if such violation is determined to have occurred. Any dealer, exhibitor, or operator of an auction sale subject to section 12 of this Act, who knowingly fails to obey a cease and desist order made by the Secretary under this section, shall be subject to a civil penalty of \$500 for each offense, and each day during which such failure continues, shall be deemed a separate offense.

(b) Any dealer, exhibitor, or operator of an auction sale aggrieved by a final order of the Secretary issued pursuant to subsection (a) of this section may, within sixty days after entry of such an order, seek review of such order in the United States court of appeals for the circuit in which such person has his principal place of business, or in the United States Court of Appeals for the District of Columbia Circuit, in accordance with the provisions of section 701-706 of title 5, United States Code. Judicial review of any such order shall be upon the record which the final determination and order of the Secretary were based.

(c) Any dealer, exhibitor, or operator of an auction sale subject to section 12 of this Act, who violates any provision of this Act shall, on conviction thereof, be subject to imprisonment for not more than one year, or a fine of not more than \$1,000, or both.

Sec. 20. (a) If the Secretary has reason to believe that any research facility has violated or is violating any provision of this Act or any of the [rules or regulations] rules, regulations, or standards promulgated by the Secretary hereunder and if, after notice and opportunity for hearing, he finds a violation, he may make an order that such research facility shall cease and desist from continuing such violation. Such cease and desist order shall become effective fifteen days after issuance of the order. Any research facility which knowingly fails to obey a cease-and-desist order made by the Secretary under this section shall be subject to a civil penalty of \$500 for each offense, and each day during which such failure continues shall be deemed a separate offense.

[(b) Any research facility aggrieved by a final order of the Secretary issued pursuant to subsection (a) of this section may, within sixty days after entry of such order, seek review of such order in the district court for the district in which such research facility is located in the manner provided in section 10 of the Administrative Procedure Act (5 U.S.C. 1009).]

(b) Any research facility aggrieved by a final order of the Secretary issued pursuant to subsection (a) of this Act, may within sixty days after entry of such order, seek review of such order in the United States court of appeals for the circuit in which such research facility has its principal place of business, or in the United States Court of Appeals for the District of Columbia Circuit, in accordance with the provisions of section 701-706 of title 5, United States Code. Judicial review of any such order shall be upon the record upon which the final determination and order of the Secretary were based.

SEC. 21. The Secretary is authorized to promulgate such rules, regulations, and orders as he may deem necessary in order to effectuate the purposes of this Act.

SEC. 22. If any provision of this Act or the application of any such provision to any person or circumstances shall be held invalid, the remainder of this Act and the application of any such provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

SEC. 23. The Secretary shall charge, assess, and cause to be collected reasonable fees for licenses issued. Such fees shall be adjusted on an equitable basis taking into consideration the type and nature of the operations to be licensed and shall be deposited and covered into the Treasury as miscellaneous receipts. There are hereby authorized to be appropriated such funds as Congress may from time to time provide.

SEC. 24. The regulations referred to in section 10 and section 13 shall be prescribed by the Secretary as soon as reasonable but not later than six months from the date of enactment of this Act. Additions and amendments thereto may be prescribed from time to time as may be necessary or advisable. Compliance by dealers with the provisions of this Act and such regulations shall commence ninety days after the promulgation of such regulations. Compliance by research facilities with the provisions of this Act and such regulations shall commence six months after the promulgation of such regulations, except that the Secretary may grant extensions of time to research facilities which do not comply with the standards prescribed by the Secretary pursuant to section 13 of this Act provided that the Secretary determines that there is evidence that the research facilities will meet such standards within a reasonable time.

SEC. 25. *Not later than March of each year following the enactment of the "Animal Welfare Act of 1970," the Secretary shall submit to the President of the Senate and the Speaker of the House of Representatives a comprehensive and detailed written report with respect to—*

(1) the identification of all research facilities, exhibitors, and other persons and establishments licensed by the Secretary under section 3 and section 12 of this Act;

(2) the nature and place of all investigations and inspections conducted by the Secretary under section 16 of this Act, and all reports received by the Secretary under section 13 of this Act; and

(3) recommendations for legislation to improve the administration of this Act or any provision thereof.

This report as well as any supporting documents, data, or findings shall not be released to any persons, non-Federal agencies or organizations unless and until it has been made public by an appropriate committee of the Senate or the House of Representatives.

Note.—The proposed amendments to the Act of August 24, 1966, shall take effect one year after the date of enactment of this legislation, except for the amendments to sections 16, 17, 19, and 20 of the Act, which shall become effective thirty days after the date of enactment of H.R. 19846.